

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:20CR325-1
	:	
RUFINA CONCHO-LOCKLEAR	:	

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Rufina Concho-Locklear (“Concho-Locklear”) was born on September 23, 19XX in Ahualulco, De Mercado, Jalisco, Mexico and is a citizen of Mexico. In November 1971, Concho-Locklear entered the United States without inspection at or near San Ysidro, California. On or about March 15, 1976, the Immigration and Naturalization Service (“INS”) received a petition for Alien Relative (Form I-130) on behalf of Concho-Locklear filed by her then-spouse, who was at that time a United States citizen. INS approved the Form I-130 petition on June 29, 1976. On May 4, 1988, Concho-Locklear filed with INS an Application for Status as a Temporary Resident (Form I-687) based on Section 245 of the Immigration and Nationality Act. INS approved her Form I-687 application on September 15, 1989, granting Concho-Locklear Temporary

Resident Status. On July 27, 1990, Concho-Locklear filed an Application to Adjust Status from Temporary to Permanent Resident under Section 245A of Public Law 99-603. On August 31, 1990, INS approved Concho-Locklear's application, thereby granting Concho-Locklear status as a Lawful Permanent Resident. Her alien file reference number is XXX 905 452.

On October 20, 1998, Concho-Locklear filed with INS an Application for Naturalization (known as a Form N-400) in an effort to obtain citizenship in the United States. During the process of attempting to obtain citizenship, INS advised her that non-citizen legal residents could not vote. She was not successful in obtaining citizenship in the United States. INS denied her application for naturalization on September 28, 2000.

Concho-Locklear has not otherwise applied for nor petitioned for United States citizenship. Concho-Locklear knew she was not a United States citizen at all relevant times. Concho-Locklear, in fact, is not and never has been a United States citizen.

On May 18, 1999, in Guilford County, North Carolina, Concho-Locklear registered to vote.

On November 8, 2016, in Guilford County, North Carolina, Concho-Locklear cast a vote in the November 2016 election, which was an election held for the purpose of electing a candidate for the office of President, Vice

President, Member of the United States Senate, and Member of the United States House of Representatives, among other positions on the ballot.

On February 13, 2019, Concho-Locklear acknowledged to Department of Homeland Security agents during a voluntary, non-custodial interview at her residence in Greensboro, North Carolina that she was a citizen and national of Mexico, that she registered to vote, that she voted in the November 2016 election, and that she knew when she voted that she was not a citizen of the United States.

This the 20 day of October, 2020.

Respectfully submitted,

/s/ MATTHEW G.T. MARTIN  
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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Helen Parsonage, Attorney for Defendant

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